

FILED

APR 05 2016

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS**

WACO DIVISION

UNITED STATES OF AMERICA

v.

MARIA CHRISTINA RODRIGUEZ

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§

CRIMINAL NO. W-16-CR-037

**REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

TO: THE HONORABLE UNITED STATES DISTRICT JUDGE

The Magistrate Court submits this Report and Recommendation to the District Court pursuant to 28 U.S.C. § 636(b)(3). The United States District Court referred this case to the United States Magistrate Judge for the taking of the defendant's felony guilty plea and for her allocution pursuant to Federal Rule of Criminal Procedure 11.

On April 5, 2016, the defendant and counsel appeared before the Magistrate Court. The undersigned addressed the defendant personally in open court, informed her of the admonishments under Rule 11 of the Federal Rules of Criminal Procedure, and determined that she understood those admonishments. Pursuant to a plea agreement, the defendant entered plea of guilty to Counts One, Two, Three and Four of an indictment charging her with the following: (1) theft of property from the United States Department of Housing and Urban Development in an amount exceeding \$1,000 in violation of 18 U.S.C. § 641; (2) theft of property from the United States Department of Agriculture in an amount exceeding \$1,000 in violation

of 18 U.S.C. § 641; (3) theft of property from the Social Security Administration in an amount exceeding \$1,000 in violation of 18 U.S.C. § 641; and (4) submitting false and fraudulent information to the Department of Agriculture Supplemental Food Stamp Program to obtain benefits in an amount exceeding \$5,000 in violation of 7 U.S.C. § 2024(b).

FINDINGS

The Magistrate Judge finds the following:

1. The defendant, with the advice of her attorney, consented to enter this guilty plea before the Magistrate Judge, subject to final approval and sentencing by the District Judge;
2. The defendant fully understands the nature of the charges against her and possible penalties;
3. The defendant understands her constitutional and statutory rights, understands her constitutional and statutory rights can be waived, and understands the meaning and effect of waiving her constitutional and statutory rights;
4. The defendant understands the terms and conditions of her plea agreement, and knowingly waives her right to appeal and her rights under 28 U.S.C. § 2255;
5. The defendant is satisfied with her attorney and has no complaints regarding his representation;

6. The defendant's plea was made freely and voluntarily;
7. The defendant is competent to enter this guilty plea; and
8. There is a factual basis for this plea.

RECOMMENDATION

The Magistrate Court **RECOMMENDS** the District Court accept the guilty plea and, after reviewing the presentence investigation report, enter a Final Judgment of guilty against the defendant.

WARNING

The parties may file objections to this Report and Recommendation. A party filing objections must specifically identify those findings or recommendations to which objections are being made. The District Court need not consider frivolous, conclusive, or general objections. See Battle v. United States Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987).

A party's failure to file written objections to the proposed findings and recommendations contained within this Report within fourteen (14) days after being served with a copy of the Report shall bar that party from de novo review by the District Court of the proposed findings and recommendations and, except upon grounds of plain error, shall bar the party from appellate review of proposed factual findings and legal conclusions accepted by the District Court to which no objections were filed. See 28 U.S.C. § 636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53, 106

S.Ct. 466, 472-74 (1985); Douglass v. United Servs. Auto. Assoc., 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc).

To the extent that a party has not been electronically served by the Clerk with this Report and Recommendation pursuant to the CM/ECF procedures of this District, the Clerk is directed to mail such a party a copy of this Report and Recommendation by certified mail, return receipt requested.

SIGNED this 5th day of April, 2016.


JEFFREY C. MANSKE
UNITED STATES MAGISTRATE JUDGE